

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
MANHATTAN DIVISION

METRO LIGHT AND POWER LLC,

Plaintiff,

v.

CASE NO. 1:24-cv-03713

FURNLITE, INC.,

Defendant.

**DECLARATION OF DANIEL DEUTSCH**

My name is Daniel Deutsch. I am President and CEO of Metro Light & Power, LLC (“Metro”), located at 11 Smith St., Englewood, NJ 07631. A copy of my LinkedIn page is attached to this declaration which includes additional information about me and Metro. Ex. F. The company’s website is <https://www.metrolightandpower.com/>. I have personal knowledge of the facts stated herein as they are about me or my business or Metro’s business:

1. Metro is a Delaware limited liability company, with its principal place of business in Englewood, New Jersey. I am the sole member of Metro, and reside in Manhattan, New York City.

2. Under Metro’s sales documents<sup>1</sup> all sales are governed by New York law with venue for disputes in New York.

3. Metro’s sole distributor is Mormax, Inc. in Elmsford, Westchester County, New York, which is about 25 miles or so roughly north of New York City.

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<sup>1</sup> Invoices, purchase orders, etc.

4. Metro designs and sells furniture power distribution units (“FPDU”) and face plates for them. Most of these sales are in the hospitality industry where they are used to add electrical outlets and data ports to hotel guest rooms.

5. An FPDU is a box with electrical components, wiring to connect to power and/or data sources, with outlets for electrical power and/or data ports and/or switches, in different combinations. These are functional units, and but for the outlets and area surrounding the outlets, are typically hidden from view. Face plates are decorative covers that surround the outlets to integrate them into the aesthetics and design of the furniture and/or guest room.

6. Metro designs and sells a thin bezel face plate that surrounds each outlet and the outlets as a unit (“Metro’s thin bezel face plate”). I designed the Metro thin bezel face plate. Prior to Furnlite’s infringement, Metro has been the only supplier of a thin bezel face plate for an FPDU since Metro designed and introduced this product to the market in 2015.

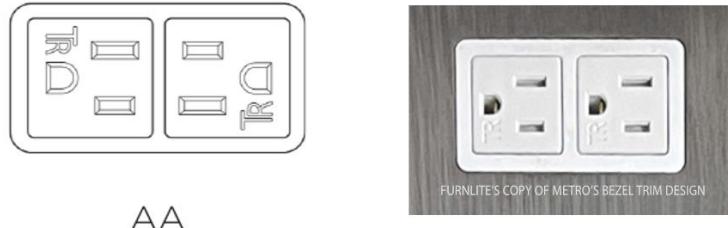
7. Metro received copyright registrations that include images and drawings of Metro’s thin bezel face plate: U.S. Copyrights VAU 1-523-017, “A Single Six Page Unpublished Illustration featuring MLP Bezel Configurations and Specs” (Reg. Eff. April 5, 2024) (Ex. C), and VAU 1-523-473, “MLP Compilation” (Reg. Eff. April 15, 2024) (website excluding material in copyright VAU 1-523-017) (Ex. D).

8. Examples of Metro’s images of its thin bezel design as protected by its copyrights are below:



9. The images and drawings of Metro's thin bezel face plate have been visible to the public since some time in 2022.

10. Comparisons of Metro's thin bezel face plates to Furnlite's thin bezel face plates (Metro's on the left and Furnlite's on the right are below (the outlets and background are not part of the Metro thin bezel face plate)):



11. Metro's thin bezel face plate and companion FPDUs in 2023 represented about one third of its revenue from combined sales of Metro, its subsidiary Metro Hong Kong Ltd. and its distributor Mormax. A companion FPDUs is configured for attachment of a type of face plate(s).

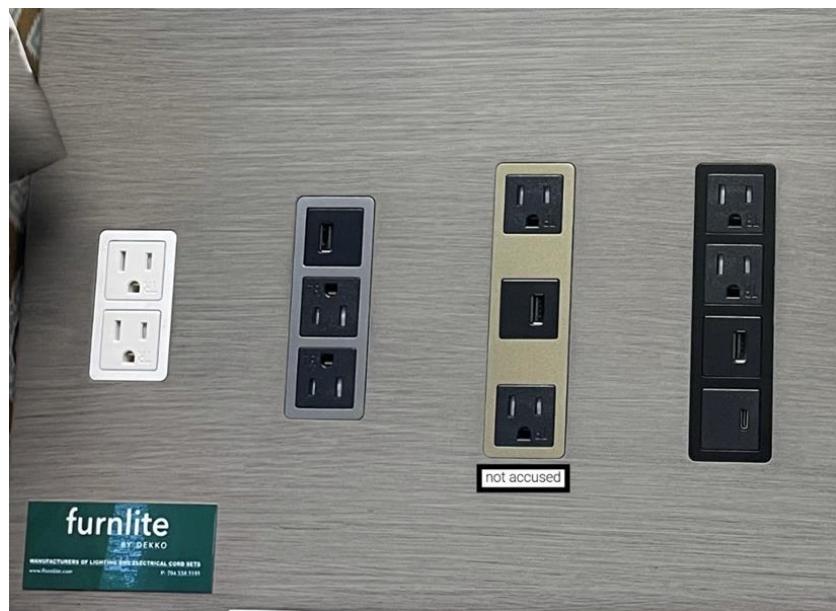
12. Of Metro's total sales in 2023, nearly three-quarters of them were through Mormax.

13. Metro does business with architecture and design firms to sell its FPDUs and thin bezel face plate products at the design phase. Metro's competitors do the same.

14. Information on sales, pricing, deliveries, and design work are kept confidential in this industry such that Metro does not know the volume of sales of other competitors' products, final pricing, delivery times, or design projects or wins. Metro likewise does not have access to transaction-specific information for competitors' sales.

15. Furnlite has become a competitor of Metro for FPDUs and face plates. I was informed by Mormax in July 2023 that a customer reported that Furnlite was showing samples of thin bezel face plates that were copies of Metro's thin bezel face plates.

16. Later, Mormax sent a photo of a "display board" with Furnlite thin bezel face plates installed.



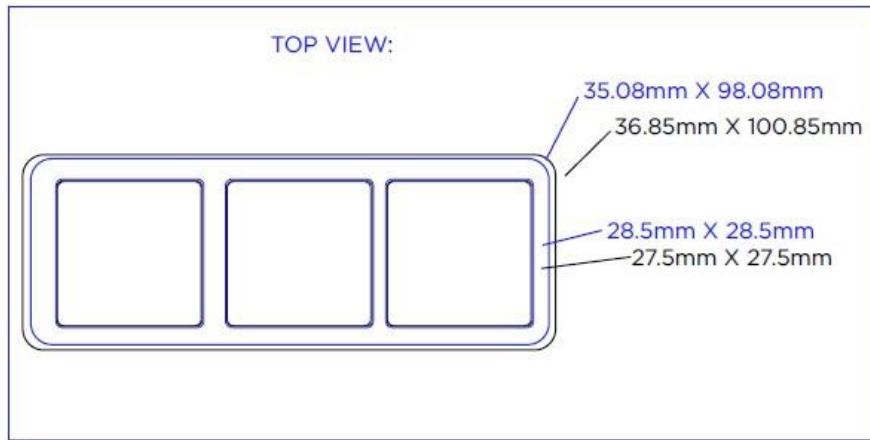
17. On August 15, 2023, Metro sent letters to Furnlite, and its parent company, Group Dekko, Inc. asking they stop selling the copycat products. On August 31, 2023, they responded and then the parties began negotiations. During the ongoing negotiations, Group Dekko, Inc. and Furnlite sued Metro on November 1, 2023, in federal court in Ft. Wayne, Indiana for a declaratory judgment that they have not violated Metro's rights under the Lanham Act, 15 U.S. Code § 1125(a) in Civil Action No. 1:23-cv-00465 (N.D. Indiana 2023, Ft. Wayne Division). Metro filed a Motion

to Dismiss or Transfer which is fully briefed; Metro also served requests for production of documents. The case was stayed at the May 1, 2024 scheduling conference pending a ruling on the Motion to Dismiss or Transfer.

18. In December 2023, I saw an image of Furnlite's thin bezel face plate on Furnlite's website, which was identical (or very nearly so) to the images of Metro's product on its website, which are included in its copyright registrations.

19. Because the image and photos of the Furnlite thin bezel product appear to be the same, or very nearly so, as Metro's thin bezel product, I believe Furnlite copied Metro's design.

20. I also created the below drawing, which compares the top view of the Metro and Furnlite thin bezel face plates. The products are so close in their dimensions that this cannot be a coincidence. *See Exhibit E.*



21. Metro created the market for thin bezel face plates in New York. Customers identify the thin bezel face plate with Metro. Metro's products are carefully designed, manufactured by a single source that Metro has been working with for 9 years. Metro's products are thoroughly tested, known to be reliable and of good quality. Metro's FPDU products are typically sold with its face plates, so customers likely associate the Metro thin bezel face plate with its superior quality FPDU products.

22. Metro has no way to determine what sales Furnlite has made of its infringing derivative thin bezel product, to whom, at what price, on what delivery timetable, other than by discovery from Furnlite. The last information Metro had was that Furnlite had sold about 440 units in December 2023; however, Metro does not know when Furnlite began taking orders for its derivative infringing product, or its 2024 sales or any of Furnlite's design "wins." Metro believes that Furnlite is selling its derivative infringing products for cheaper prices than Metro to capture market-share from Metro.

23. I inspected the samples of Furnlite's thin bezel face plate and its companion FPDU. The Furnlite product is poorly made. The face plate does not fit tightly and smoothly to the FPDU. Both products are made of cheap materials. My impression was that although Furnlite represented these were samples of products made for delivery to customers, they were too poorly made for distribution, and were likely samples made to give Metro in negotiations. Since Metro has been the only source of the thin bezel face plate for FPDUs, there is a substantial risk that customers will develop poor impressions of a thin bezel face plate Furnlite has misappropriated Metro's goodwill in New York to take part of the Market Metro created for this product.

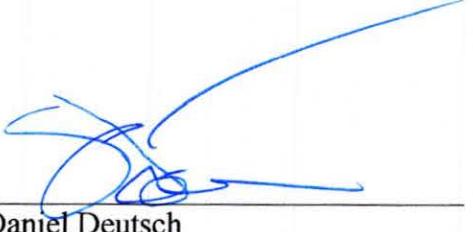
24. Attached as Exhibit E are further graphic examples and comparisons of the thin bezel face plate products.

25. Metro is a small company with 14 employees located in Englewood, N.J. It has never been in a lawsuit prior to being sued in Ft. Wayne. It would be challenging for Metro to sustain lengthy litigation with Furnlite, a subsidiary of Group Dekko (which has over 1000 employees in multiple states, and in turn is a subsidiary of Graham Holdings, an NYSE company). Metro, rather, needs discovery on the source, depth, scope and cost of this problem, to find out as

soon as possible whether litigation is the correct solution and whether and how to advance its claims in this lawsuit.

26. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 19, 2024



Daniel Deutsch